

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
SHARON GANDARILLA,

Plaintiff,

-against-

THE CITY OF NEW YORK and ALBERTO
SANCHEZ, an individual,

Defendants.
----- X

ANSWER

07 Civ. 6909 (LTS)

Defendant City of New York, by its attorney, Michael A. Cardozo, Corporation Counsel of the City of New York, for its Answer to the Complaint, respectfully alleges as follows:

1. Admit the allegations set forth in paragraph "1" of the complaint.
2. Admit the allegations set forth in paragraph "2" of the complaint, except deny that the city council controls the police department.
3. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "3" of the complaint.
4. Admit the allegations set forth in paragraph "4" of the complaint.
5. Admit the allegations set forth in paragraph "5" of the complaint.
6. Admit the allegations set forth in paragraph "6" of the complaint.
7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "7" of the complaint.
8. Admit the allegations set forth in paragraph "8" of the complaint.

9. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “9” of the complaint.

10. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “10” of the complaint.

11. Admit the allegations set forth in paragraph “11” of the complaint.

12. Admit the allegations set forth in paragraph “12” of the complaint.

13. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “13” of the complaint.

14. Admit the allegations set forth in paragraph “14” of the complaint.

15. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “15” of the complaint.

16. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “16” of the complaint.

17. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “17” of the complaint.

18. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “18” of the complaint.

19. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “19” of the complaint.

20. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “20” of the complaint.

21. Admit the allegations set forth in paragraph “21” of the complaint.

22. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “22” of the complaint.

23. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “23” of the complaint.

24. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “24” of the complaint.

25. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “25” of the complaint.

26. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “26” of the complaint.

27. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “27” of the complaint.

28. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “28” of the complaint.

29. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “29” of the complaint.

30. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “30” of the complaint.

31. Deny the allegations set forth in paragraph “31” of the complaint.

32. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “32” of the complaint.

33. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “33” of the Complaint.

34. Deny the allegations set forth in paragraph “34” of the complaint.

35. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “35” of the complaint.

36. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “36” of the complaint.

37. Admit the allegations set forth in paragraph “37” of the complaint.

38. Admit the allegations set forth in paragraph “38” of the complaint.

39. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “39” of the complaint.

40. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “40” of the complaint.

41. Deny the allegations set forth in paragraph “41” of the complaint.

42. Deny the allegations set forth in paragraph “42” of the complaint.

43. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “43” of the complaint.

44. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “44” of the complaint.

45. Deny the allegations set forth in paragraph “45” of the complaint.

46. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “46” of the complaint.

47. Deny the allegations set forth in paragraph “47” of the complaint.

48. Defendant repeats and realleges its responses to the allegations set forth in paragraphs “1-48” of the complaint, as if set forth fully herein.

49. Deny the allegations set forth in paragraph “49” of the complaint.

50. Deny the allegations set forth in paragraph “50” of the complaint.

51. Deny the allegations set forth in paragraph “51” of the complaint.

52. Defendant repeats and alleges its responses to the allegations set forth in paragraphs “1-52” of the complaint, as if set forth fully herein.

53. Deny the allegations set forth in paragraph “53” of the complaint.

54. Deny the allegations set forth in paragraph “54” of the complaint.

55. Defendant repeats and realleges its responses to allegations set forth in paragraphs “1-55” of the complaint, as if set forth fully herein.

56. Deny the allegations set forth in paragraph “56” of the complaint.

57. Deny the allegations set forth in paragraph “57” of the complaint.

58. Defendant repeats and realleges its responses to the allegations set forth in paragraphs “1-58” of the complaint, as if set forth fully herein.

59. Deny the allegations set forth in paragraph “59” of the complaint.

60. Deny the allegations contained in paragraph “60” of the complaint.

61. Defendant repeats and realleges its responses to the allegations contained in paragraphs “1-61” of the complaint, as if set forth fully herein.

62. Deny the allegations set forth in paragraph “62” of the complaint.

63. Defendants repeats and realleges its responses to the allegations set forth in paragraphs “1-63” of the complaint, as if set forth fully herein.

64. Deny the allegations set forth in paragraph “64” of the complaint.

65. Defendant repeats and realleges its responses to the allegations contained in paragraphs “1-65” of the complaint, as if set forth fully herein.

66. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “66” of the complaint.

67. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “67” of the complaint.

68. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “68” an merit.

69. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “69” of the complaint.

70. Defendant repeats and realleges its responses to allegations set forth in paragraphs “1-70” of the complaint, as if set forth herein.

71. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “71” of the complaint.

72. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “72” of the complaint.

73. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “73” of the complaint.

74. Defendant repeats and realleges its responses to allegations in paragraphs “1-73” of the complaint, as if set forth herein.

75. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “75” of the complaint.

76. Deny the allegations set forth in paragraph “76” of the complaint.

77. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “77” of the complaint.

78. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “78” of the complaint

79. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “79” of the complaint.

80. Defendant repeats and realleges the allegations set forth in paragraphs “1-80” of the complaint, as if set forth fully herein.

81. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “81” of the complaint.

82. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “82” of the complaint.

83. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “83” of the complaint.

84. Defendant repeats and realleges the allegations set forth in paragraph “1-84” of the complaint, as if set forth fully herein.

85. Deny the allegations set forth in paragraph “85” of the complaint.

86. Deny the allegations set forth in paragraph “86” of the complaint.

87. Deny the allegations set forth in paragraph “87” of the complaint.

88. Admit the allegations set forth in paragraph “88” of the complaint.

FOR A FIRST DEFENSE:

Defendant City has have not violated any rights, privileges or immunities under the Constitution or laws of the United States of the State of New York, or any political subdivision thereof.

FOR A SECOND DEFENSE:

Defendant City of New York exercised reasonable care to prevent and promptly eliminate any discriminatory, retaliatory or hostile behavior and/or environment in that it has an effective, well-publicized Equal Employment Opportunity policy and complaint procedure in place.

FOR A THIRD DEFENSE:

Plaintiff's claims, to the extent that they allege facts dating back more than three years before the filing of this action, are barred by the statute of limitations.

FOR A FOURTH DEFENSE:

The City of New York cannot be liable for punitive damages.

FOR A FIFTH DEFENSE:

Any injuries alleged in the complaint were caused in whole or in part by plaintiff's own culpable or negligent conduct and/or by the unforeseeable criminal conduct of co-defendant Alberto Sanchez.

FOR A SIXTH DEFENSE:

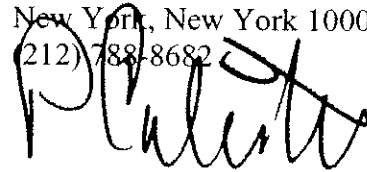
New York City cannot be liable for intentional torts.

WHEREFORE, defendants request judgment dismissing the complaint and denying all relief requested therein, together with such other and further relief as to the Court deems just and proper.

Dated: New York, New York
October 18, 2007

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 2-112
New York, New York 10007
(212) 788-8682

By:



Phyllis Calistro
Senior Counsel
(PC5527)